

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 27-32, 34, 36, 62, 63, 65-73, 77, 78 and 81-83 are pending in the application, with claims 27, 28, 72 and 73 being the independent claims. Claims 59, 64 and 74 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. The claims have been amended to place them in condition for allowance or in better form for consideration on appeal. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 27-32, 34, 36, 59, 62-74, 77-81 and 81-83 were rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. Not in acquiescence to the propriety of the rejection, but rather solely to advance prosecution, Applicants have cancelled claims 59, 64 and 74. Applicants have also amended claims 27, 28, 72 and 73 to add a phrase clarifying that the flanking or spacer amino acid residues prevent the occurrence of junctional epitopes. Lastly, claims 27, 28 and 73 have been amended to recite selecting ten or more CTL, or five or more HTL epitopes, respectively. Support for these amendments can be found throughout the specification, *inter alia*, at page 14, lines 8-10. With respect to the Examiner's rejection

as it is applied to claims 72, 77 and 78, Applicants respectfully assert that these claims are nucleic acid versions of claims 27, 28 and 63, and that the specification provides ample support for any combination of CTL/HTL epitopes, specifically as multi-epitope constructs of nucleic acids, especially at page 13, line 28, through page 14, line 10. Therefore, Applicants respectfully request that the rejection be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 28-29, 63, 73 and 78 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Sette *et al.* (US 6,689,363). Not in acquiescence to the propriety of the rejection, but rather solely to advance prosecution, Applicants have amended the claims to recite selecting five or more HTL epitopes. Therefore, Applicants respectfully request that the rejection be withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Paul A. Calvo
Attorney for Applicants
Registration No. 57,913

Date: February 15, 2007

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

639571_1.DOC